Bill, 1988, which was passed by Rajya Sabha at its sitting held on the 10th August, 1988."

VII

"I am directed to inform you that Lok Sabha, at its sitting held on Monday, the 5th September, 1988, adopted the following motion further extending the time for presentation of the Report of the Joint Committee of the Houses on the Lokpal Bill, 1985:—

MOTION

"That this House do further extend up to the last day of the Winter Session, 1988, the time for presentation of the Report of the Joint Committee on the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith."

THE DEPUTY CHAIRMAN: I have to inform the hon. Members that the Water (Prevention and Control of Pollution) Amendment Bill, 1988 and the State of Arunachal Pradesh (Amendment) Bill, 1988, as passed by the Lok Sabha, will also be taken up for consideration and passing after the passing of the two Bills already listed in today's agenda.

Now, Special Mentions. Mr. P. Upendra. You have promised that you wil be brief.

SPECIAL MENTIONS

Strike by journalists in the country against the Defamation Bill, 1988

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): I will take only three minutes. Madam, the newspapers all over the country are observing a day's strike today demanding withdrawal of the Defamation Bill, 1988. Yesterday, all those connected with the press including the publishers, the editors, the correspondents, the reporters .....

SHRI VISHWA BANDHU GUPTA (Delhi): Madam, I am on a point of order. Not all. ... (*Interruptions*).....

SHRI PARVATHANENI UPENDRA: Except a few, everybody, the cartoonists, the photographers held a demonstration and showed a unique solidarity which was never witnessed before in the field of journalism. They protested against the Government's decision to proceed with the Bill, to keep it pending and they also took a pledge while announcing the strike today which, Madam, I quote and then conclude:

"We, the members of the newspaper profession, pledge here today that we will spare no effort, sacrifice or suffering, to ensure that the Defamation Bill, 1988 is withdrawn unconditionally and unequivocally. The Government has challenged our basic right to inform the people without fear or favour, and our reply here and now is that we accept the challenge. Freedom of expression is an inalienable right, the founders of the Republic have guaranteed to us. We will protect it to the last drop of our blood.

This is not our fight alone, it is of the people who depend on us for information. In a free society, where response is free, a free press is a must. The Defamation Bill wants to throttle free voices. It strikes at the very edifice of democracy.

Let the word go out from here to all corners of the country that we cannot and shall not compromise or be cowed down when the freedom of the press is threatened. None, howsoever high in the land, can take liberties with our fundamental right. And, let it be known that we shall fight with all our might if there is any onslaught on our freedom of expression, now or later.

We appeal to the people all over the country to join us in our struggle and force the Government to withdraw the draconian Bill."

Madam, I, on behalf of my party, express full solidarity with the press in their struggle for preservation of freedom and democracy and we hope, even now, the

Government will see the writing on the wall and withdraw the bill altogether, without keeping it hanging as Damocles' sword over the press and the people of the country. Thank you.

SHRI M. S. GURUPADASWAMY (Karnataka): Madam Deputy Chairman, I add my humble voice to what my colleague has already said on this issue. I would only say this much that this is a very unfortunate day when most of the newspapers in the country or all are forced to resort to strike. This was never done before in the past. Even now, time is not late. May I appeal to the Government not to stand on prestige and reconsider its position and top the bill completely ? Madam, I am only reminding the House of a famous saying of a political writer, thinker, Thommas Jefferson. "Wherever a choice is to be made between newspapers and the Government, I rather prefer to have newspapers without Government and not Government without newspapers." I am only telling my hon. friends opposite that they should not draw a line between the Opposition and the Treasury Benches on this issue because the rights involved are too fundamental and too basic in which we are all interested, which we all share. May I again appeal to the Government to drop this Bill ? It is very bad, ugly, draconian and arbitrary and it will bring in consequences which will not be friendly to democratic institutions.

SHRI DIPEN GHOSH (West Bengal): Madam Deputy Chairman, on behalf of my party, Communist Party of India (Marxist) and the Members of Parliament, I express my solidarity with the striking pressmen on the demand for total withdrawal of the Defamation Bill, 1988. Madam, you will agree with me that this is not only an affront to one's freedom of expression but it is an onslaught on the people's right to know and therefore, I think, this Bill must be withdrawn. Madam, I have noted that the Government has given a second thought and decided to discuss some of the provisions which are considered to be not acceptable to the press or the people. But, Madam, as you know, if an egg gets rotten, one cannot eat that rotten egg by slicing out the rotten portion. Similar is the case of this Defamation Bill, 1988. By simply modifying certain provisions of the Bill, it cannot be accepted as it has been drafted. Like a rotten egg it has to be thrown away. So I would demand that the Government of India withdraw the Bill and then discuss the matter with the people and the press, if necessary. But nothing short of total withdrawal of the Bill can satisfy the press and the people of our country which I want to make very clear to the Government. Thank you.

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) : महोदया, मानहानि विधेयक पर सदन में चर्चा रोक कर उस पर पुनर्विचार के लिए एक मंत्रियों की समिति बनाने का फैसला सरकार ने किया था। लेकिन उसके बाद भी प्रेस हड़ताल पर जाने के अपने निर्णय पर कायम रहा। हड़ताल पूर्ण थी, असाधारण थी। गोयन्का से लेकर, गिरिलाल जैन तक और अरुण शोरी से लेकर अकबर तक..... (व्यवधान)

श्री दीपेन घोष : एम० जी० अकबर कहिए।

श्री अटल बिहारी वाजपेयी : मेरा मतलब एम.जी. अकबर से ही है। Are they any other Akbars ? हड़ताल पर गये। इस हड़ताल में सरकार का समर्थन करने वाले पत्रकार भी हैं और प्रतिपक्ष से दो दो हाथ करने वाले पत्रकार भी है। इसका अर्थ यह है कि विधेयक की धाराओं और समुचित विधेयक के बारे में वे बहुत तीव्रता से अनुभव करते हैं। सरकार को जनमत के सामने थोड़ा झुकना पड़ा है, अन्यथा चर्चा रोकने की क्या जरूरत थी, मंत्रीमंडल की समिति बनाने की क्या आवश्यकता

[श्री अटल बिहारी वाजपेयी]

थी ? लेकिन मेरा निवेदन यह है कि आप इस विधेयक का मोह छोड़ दीजिए। जनमत की बात स्वीकार करना और जनमत के सामने झुकना लोकतंत्री सरकार के लिए कोई शर्म की बात नहीं होनी चाहिए। इसको प्रतिष्ठा का सवाल मत बनाइये। अगर इस विधेयक की किन्हीं धाराओं को आप आवश्यक समझते हैं तो उन्हें लाने का आपने जो तरीका अपनाया है वह तरीका गलत था और लोकतंत्र में आप क्या करते हैं, केवल इसका महत्व नहीं हैं, उसको किस तरीके से करते है, इसका भी बड़ा महत्व है। आपने प्रेस को विश्वास में नहीं लिया, आपने समाचार पत्रों से बात नहीं की। विरोधी दलों से तो चर्चा करना आप अपनी शान के खिलाफ समझते हैं। लेकिन अब भी समय है। मैं अपील करना चाहता हूं और दिल से अपील करता हूं कि आप मुसीबत में फंस गये हैं, उसमें से आप शोभाजनक तरीके से निकल आएं, उसका एक ही तरीका है कि आप एलान करें कि प्रेस और देश की जनता की भावनाओं को ध्यान में रख कर इसको रद्द कर रहे हैं और इसको पूरी तरह से वापस ले रहे हैं।

SHRI VISHWA BANDHU GUPTA: Madam Deputy Chairman, associating myself with the special mention..... *(Interruptions)*.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Are you supporting ?

SHRI VISHWA BANDHU GUPTA: Of course, I am supporting the special mention made by Mr. Upendra. I would like to make a few observations. Madam, I think all sections of this House, specially from this side, are fully committed to the freedom of the press. We, who are part and parcel of the press, are fully committed to the freedom of the press and we wish to preserve it in the best manner possible. However, Madam, these things cannot be done without a debate. I would urge upon the Government to have a full national debate with the press, with the Opposition and with our party Members, if necessary, before passing the bill *(Interruptions)*.

SHRI SUBRAMANIAN SWAMY: You first withdraw it

THE DEPUTY CHAIRMAN: It is going on in a very smooth manner. Let it go on like that. You should listen to each other. *(Interruptions)*.

SHRI VISHWA BANDHU GUPTA: Let me finish. I think you will be more than satisfied with what I am going to say. You will support me. I think I am on record to say that I was myself joining the protest march. That is on record. And I have cautioned the people concerned and have said that the Bill should be debated, that a national debate should be held before the Bill is put before the House and passed. That was my position and that is my position. But I would urge upon the Opposition and especially those Members who have perhaps not carefully looked at the Bill that there are provisions, there is a need, for protecting the status of the individual from defamation. The individual also has to be protected. I am for freedom of the press and I am probably one person who had some part in having the Bihar Press Bill withdrawn. I was the one who threw the first stone. Therefore, I have a right to speak on this matter. I would urge upon the Opposition also to support the approach that we should find a solution to the second problem also. They can convince the Committee of Ministers and the people who are concerned with it, and if the Committee is convinced, it can certainly recommend even dropping of the Bill altogether. What is wrong with that ? Let the Committee be convinced that the Bill is bad in law

and otherwise and that it should be dropped. I am for that position. So I would urge that a national debate should be started and the Bill should be very thoroughly examined and before a national debate takes place, it should not be passed.

उपसभापति : श्री चतुरानन मिश्र। (व्यवधान)।

श्री सुब्रह्मण्यम स्वामी : इसको वापस लिया जाय।

उपसभापति : बीच बीच में मत टोकिये।

श्री सुब्रह्मण्यम स्वामी : पूरे सदन की भावना बता रहे हैं। पूरा सदन चाहता है कि इसको वापस लिया जाये।

उपसभापति : आप इस तरह से कहते रहेंगे तो यह रिकार्ड पर नहीं जायेगा। हम तो अच्छी तरह से इस को चाहते हैं। आप कृपा करके एटमोसफियर मत बिगाड़िये।

श्री चतुरानन मिश्र (बिहार) : उपसभापति महोदया, मैं अपनी ओर से और कम्युनिस्ट पार्टी की ओर से तथा आल इंडिया ट्रेड यूनियन कांग्रेस, जिसका मैं अध्यक्ष हूं, अपने प्रेस के लोगों को, जो आज हड़ताल पर हैं, हार्दिक बधाई देता हूं। वे हड़ताल पर अपनी तनख्वाहों के लिये नहीं गये हैं, अपनी मांगों को मनवाने के लिये नहीं गये है बल्कि अपने देश के जनतांत्रिक अधिकारों की रक्षा के लिये गये हैं। इसलिये सारा देश उनके साथ है और मैं उनको बार बार बधाई देता हूं।

महोदया, इस मानहानि विधेयक के जरिये सरकार ने अपनी पार्टी की ही सबसे ज्यादा मानहानि की है। अगर कोई इसकी जांच करें तो पता चलेगा कि शायद शासक पार्टी की मानहानि इस बिल के द्वारा सबसे ज्यादा हुई है। मैं प्रधानमंत्री को सलाह दूंगा कि इसी तरह से समय समय पर कुछ देते रहे। पहले बोफोर्स और अब मानहानि। जब तक इलेक्शन आता है वे इस तरह की दो-चार चीजें हम लोगों को और दे दें। ...(व्यवधान)..आप इस तरह की दो-चार और चीजें देते रहें तो अच्छा होगा और इससे देश का भला होगा। मैं एक बात और कहना चाहता हूं कि अगर आपको कोई और भी इस तरह का कानून लाना हो तो.....

THE DEPUTY CHAIRMAN: If you want, please say something constructive, not in a sarcastic manner.

SHRI LAL K. ADVANI (Madhya Pradesh): Sarcasm does not distract the construction.

THE DEPUTY CHAIRMAN: Now please conclude.

श्री चतुरानन मिश्र : हमको टाइम दीजिये। केवल एक सेंटेन्स और बोल देता हूं। अभी जनता ने एक कानून बर्मा में पास किया है, बर्मा ऐक्ट। इसके परिणामस्वरूप बर्मा में क्या हो रहा है इसका जरा ख्याल रखियेगा। इस की क्या परिणति होगी इसको आप समझने की चेष्टा करें। इसलिये मेरा सरकार से निवेदन है कि इस बिल को वापस ले लें।

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : माननीय उपसभापति महोदया, बड़े से बड़ा आदमी भी गलत हो जाता है। मैं यह स्वीकार करता हूं और ऐसा मानता हूं कि इस बिल को पास करने की चेष्टा करने में स्वतः कांग्रेस पार्टी से गलती हुई है।

[श्री वीरेन्द्र वर्मा]

बहुत पहले जैसा कि भूतपूर्व प्रधानमंत्री स्वर्गीय जवाहरलाल नेहरू जी ने एक दफे कहा था कि " Freedom is in peril. Defend it with all your might. फ्रीडम आफ एक्सप्रेशन, फ्रीडम आफ स्पीच, फ्रीडम आफ राइटिंग सब पर अगर प्रतिबन्ध इस प्रकार से लगाया जाए तो वह खतरा है इन्सान की फ्रीडम का एक्सप्रेशन की फ्रीडम का भी और यह एक प्रकार से जैसे कि इमरजेंसी में प्रतिबन्ध लगाया था जिसका आभास बाद में हुआ था उस गलती को स्वीकार किया था। इसलिए मैं बहुत विनम्रता के साथ माननीय संसदीय कार्य मंत्री जो सूचना एवं प्रसारण मंत्री भी है, यहां नेता सदन भी उपस्थित हैं, आपके माध्यम से यह निवेदन करना चाहूंगा कि यह आपने फिर भी सूझबूझ का काम किया है कि देश के पत्रकारों ने देश की जनता ने और हम लोगों ने भी जब इसके खिलाफ आवाज उठाई तो आपने देश की जनता की नब्ज पर, पत्रकारों की नब्ज पर, हमारी तो आप परवाह नहीं करते, उन सब की नब्ज पर ध्यान कर के आपने एक सही कदम उठाया है उस पर विचार करने के लिए आप एक कमेटी बनाएंगे। लेकिन उचित तो यह है, मुनासिब तो यह है कि आप देश के हित में, जनता के हित में, स्वतंत्रता के हित में, स्वतन्त्र विचारों के हित में, स्वतंत्र लेख के हित में इस विधेयक को वापिस लेने की कृपा करेंगे, जनता पर कृपा करेंगे, पत्रकारों पर कृपा करेंगे, देश पर कृपा करेंगे। धन्यवाद।

THE DEPUTY CHAIRMAN : Now, the Minister would like to give his reaction.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT) : Honourable Deputy Chairman, I must thank the honourable Members, the leaders of the Opposition and the Member from this side for making the observations that they have made.

Madam, we are all aware of the march of the Pressmen yesterday and we are aware of the fact that the Press is on strike today. Let me say that we have full belief in the freedom of the Press. We have respect for the Press, we have respect for the Pressmen and whatever they feel, they have every right to say so and they have every right to articulate a point of view in any manner they like. We have respect for them and we will continue to have respect for them.

Now, so far as this question is concerned, while we completely stand for the freedom of the Press, all of you would also agree that we have also to provide that there is adequate protection to the citizens against defamation and, for that reason, we should go into this question without getting emotional. None of us, neither the Government nor the Opposition nor the Press nor anybody should stand on any grounds of prestige. There is nothing like prestige in such matters or any emotion or any other things or political considerations. We have to protect the citizens. Well, I still hope that you will also forget the political considerations and not try to avail of this opportunity. Mr. Chaturanan Mishra was just now saying, "Give us some more such opportunities". I would only like to say that irrespective of all these things, irrespective of all these considerations, we must very dispassionately discuss this matter, debate this matter, by going into all aspects of the matter. The Prime Minister just now was addressing the Congress (I) Parliamentary Party in a meeting and he said that he felt that the Bill was needed and that he was open to conviction and that if somebody could come and convince him, he was open to conviction. We

are open to conviction...(Interruptions)... Please listen to me. We are open to conviction. From all points of view a very dispassionate, cold and calm discussion on merits is necessary for which we are absolutely prepared and we are neither against the Press nor against the Pressmen. We have respect for them and we will continue to have respect for them.

SHRI DIPEN GHOSH : Will you assure us that you are going to withdraw the Bill ?...*(Interruptions)*...

SHRI M. S. GURUPADASWAMY : Madam, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : Just a minute. All of you, please sit down..... *(Interruptions)*. *I am on my legs. Please* sit down.

You see, I would like to say that after a discussion, if the Government comes to an understanding or conviction that the Bill is not necessary, they can come to that conclusion. For that it is a question of convincing each other. So, please sit down.

Now, we are taking up the next Special Mention.

SHRI M. S. GURUPADASWAMY : Madam, I do not like to make ..... *(Interruptions)*.

SHRI H. K. L. BHAGAT : Are we debating this ?. *(Interruptions)*...

THE DEPUTY CHAIRMAN : No. I am not allowing. .. *(Interruptions)* I am very sorry. Prof. Bhattacharjee's name was also there. It escaped my notice. The Minister has given the reaction. I do not know if he still wants to speak. But if he wants to say a few words, he can, although I don't think there is any scope for discussion on this point. *(Interruptions)*.

श्री चतुरानन मिश्र : कुछ क्लैरीफिकेशन्स तो पूछने दीजिए।

उपसभापति : मिश्रा जी, चेयर अगर आपको इजाजत नहीं देती है तो आप कहते हैं और अगर दे देती है तो चेयर को इसने ऐसा फंसा देते हैं कि मुश्किल हो जाती है। इसलिए ऐसा नहीं कीजिए।

SHRI SUBRAMANIAN SWAMY : Allow us ordinary mention, if you like.

THE DEPUTY CHAIRMAN : That you always make *(Interruptions)*.

PROF. SOURENDRA BHATTACHARJEE (West Bengal) : On my behalf and on behalf of my party, the Revolutionary Sosialist Party, I reiterate, as demanded by other Members in this House, that this Draconian measure, the Defamation Bill, should be withdrawn forthwith. The question of a discussion on this Bill under a Ministerial Committee or Council cannot arise after the Bill has been brought to the anvil of Parliament. From the side of the Government they are always free to form any committee to tell it what should be done or should not be done. But after it has come on the anvil of Parliament—now that they have understood that this was a misadventure on their part—the only honourable course on their part would be to withdraw it. The Prime Minister, while raising the issue in his party forum, going by Press reports, has added insult to injury. I would only remind him and the Government of one quotation form Dr. Sarvepalli Radhakrishnan which was quoted by the President. And that is :

> Let me warn you that when power outstrips ability we will fall on evil days.

The power has outstripped the ability in this particular case. If the Government relents let it relent fully. That is my only appeal to them. And the Minister's reply was quite a negation of that particular principle. *(Interruptions)*.

SHRI M. S. GURUPADASWAMY : I want to make the position of the Opposition clear to our friends on the opposite side. In our view.....

SHRI H.K.L. BHAGAT : Everybody knows the position of the Opposition. (*Interruptions*).

SHRI M. S. GURUPADASWAMY : In our view, the Government has not relented at all on this measure. We feel that this measure is unnecessary, irrelevant, ugly and it violates the spirit of the Constitution. We want the withdrawal of the Bill completely. Nothing short of it. Heavens will not fall if the Bill is withdrawn. I repeat : let the Government not stand on prestige. They should withdraw the Bill, otherwise we cannot associate ourselves with the proceedings of the House today. (*Interruptions*) We express our full solidarity with the Press. We express our full solidairty with the Press on their demands. (*Interruptions*).

SHRI H.K.L. BHAGAT : I have made my position clear. (*Interruptions*) I appreciate that. Wee are open to conviction. (*Interruptions*).

THE DEPUTY CHAIRMAN : Discussion is part of democracy. And everybody....

SHRI PARVATHANENI UPENDRA : Madam, today is the last day of the session.....

THE DEPUTY CHAIRMAN : Everybody should be ready for discussion. There is no question that this cannot be resolved by discussion. You can come to unanimity if you discuss it But if somebody refuses to discuss this, then I don't think ....(*Interruptions*).

SHRI PARVATHANENI UPENDA : This is something else, Madam. Before withdrawing, we want to thank you. You don't want us to thank you ?

THE DEPUTY CHAIRMAN : I don't want thanks.

SHRI PARVATHANENI UPENDRA : Today is the last day of the session. Madam, we want to thank you and the Chairman for your indulgence and conducting the House smoothly. And if the session is ending on a sore note, the Government is fully responsible for that...

THE DEPUTY CHAIRMAN : And the Opposition also .....(*Interruption*)... The whole House should come to some unanimity.

SHRI SUBRAMANIAN SWAMY : **

THE DEPUTY CHAIRMAN : It is not going on record.

SHRI RAM NARESH YADAV (Uttar Pradesh) : **

THE DEPUTY CHAIRMAN . It is not going on record.

(*At this stage some hon. Members left the Chamber*)

THE DEPUTY CHAIRMAN : Shri L.K. Advani—not present; Shri P. K Kunjachen —not present; Shri N.E. Balaram—not present; Shri Sharad Yadav —Not present; Shri Arangil Sreedharan—not present; Shri Yashwant Sinha—not present; Dr. Bapu Kaldate—Not present; Shri V. Gopalsamy—not present. Now, Shri Rajni Ranjan Sahu.

Need for public debate on Bachawat Committee Report

SHRI RAJNI RANJAN SAHU (Bihar) : Madam Deputy Chairman, I would like to draw the attention of the Government to the Bachawat Wage Board report which has been submitted to the Government for consideration.

Madam, Working Journalists' Act is the result of the Press Commission report and also the word of faith right from the days of late leaders Jawaharlalji and Indiraji, and now Rajivji, with the Constitution to strengthen the institution of press as a bulwark of freedom. The Wage Board was appointed to look after the welfare of working journalists and the

**Not recorded.